

REMARKS

Claims 1-6 are pending in this application. By this Amendment, claims 1, 3 and 6 are amended. Independent claim 1 is amended to clarify the recited features. Claim 3 is amended to correct an informality. Claim 6 is amended for clarity. Support for the amendment to claim 1 can be found at least in Fig. 1. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Tran in the January 23, 2008 personal interview. Applicant's separate record of the substance of the interview is provided in the following remarks.

Applicant thanks the Examiner for the indication that claims 2 and 3 contain allowable subject matter. Applicant submits that all pending claims are allowable for the reasons discussed below.

The Office Action rejects claims 1 and 4-6 under 35 U.S.C. §102(b) over U.S. Patent No. 6,427,436 to Allansson et al. (hereinafter Allansson). This rejection is respectfully traversed.

As tentatively agreed during the January 23, 2008 personal interview, Allansson fails to disclose or suggest an EGR control device that controls exhaust gas to flow back from the portion downstream of the particulate filter in the exhaust passage to a portion downstream of the intercooler in the intake passage without passing through the intercooler in a case where the load of the internal combustion engine is equal to or lower than the predetermined load, as recited in independent claim 1.

The Office Action alleges the turbocharger unit 11, the filter element 5b, and the coolers 7 and 10, all of Allansson (see Fig. 1), correspond to the claimed supercharger, particulate filter, and intercooler, respectively. However, only inter-cooler 12 is disposed downstream of turbocharger unit 11, and Allansson fails to disclose an EGR control device that controls exhaust gas to flow back from the portion downstream of the filter element 5b

(the alleged particulate filter) in the exhaust passage to a portion downstream of the inter-cooler 12 without passing through the cooler 12. Thus, Allansson fails to disclose or suggest an EGR control device as recited in independent claim 1.

Therefore, independent claim 1 is patentable over Allansson. Furthermore, claims 4-6 are patentable at least in view of the patentability of independent claim 1, as well as for the additional features that these claims recite. Thus, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1 and 4-6 under 35 U.S.C. §102(b) over U.S. Patent No. 6,817,174 to Igarashi et al (hereinafter Igarashi). This rejection is respectfully traversed.

As tentatively agreed during the January 23, 2008 personal interview, Igarashi fails to disclose or suggest an EGR control device that controls exhaust gas to flow back from the portion downstream of the particulate filter in the exhaust passage to a portion downstream of the intercooler in the intake passage without passing through the intercooler in a case where the load of the internal combustion engine is equal to or lower than the predetermined load, as recited in independent claim 1, combined with the other features of claim 1.

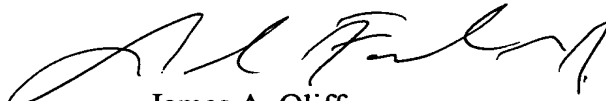
The Office Action alleges that the compressor housing 31b, the filter 14b, and the intake manifold 12a of Igarashi (see Fig. 8) correspond to the claimed supercharger, particulate filter, and intercooler, respectively. However, Igarashi fails to disclose an EGR control device that controls exhaust gas to flow back from the portion downstream of the filter 14b (the alleged particulate filter) in the exhaust passage to a portion downstream of the alleged intercooler without passing through the intake manifold 12a (the alleged intercooler). That is, as clearly shown in Fig. 8, any exhaust gas that is re-circulated from the filter 14b (the alleged particulate filter) to the compressor housing 31b (the alleged supercharger) must flow through the intake manifold 12a (the alleged intercooler) of Igarashi. Thus, Igarashi fails to disclose or suggest an EGR control device as recited in independent claim 1.

Therefore, claim 1 is patentable over Igarashi. Further, claims 4-6 are patentable at least in view of the patentability of independent claim 1, as well as for the additional features these claims recite. Accordingly, it is requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LXF/sxl

Attachment:
Petition for Extension of Time

Date: February 5, 2008

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